REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-2, 8-16, 22-27, 30 and 31 are pending. Claims 3-7, 17-21, 28 and 29 were previously canceled without prejudice or disclaimer of subject matter. Claims 1, 15, 30, and 31, which are independent, are hereby amended.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Support for this amendment is provided at page 13 of the Specification as originally filed.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-2, 8-9, 13, 15-16, 22-23, 26, and 30-31 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2004/0034629 to Genser (hereinafter, merely "Genser") in view of U.S. Publication No. 2003/0110124 to Escher (hereinafter, merely "Escher") and further in view of U.S. Patent No. 7,016,892 to Kokkonen et al. (hereinafter, merely "Kokkonen").

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Claims 10-12 and 24-25 were rejected under 35 U.S.C. §103(a) as allegedly

unpatentable over Genser in view of Escher and Kokkonen and in further view further in view of

U.S. Patent No. 6,304,928 to Mairs et al. (hereinafter, merely "Mairs").

Claims 14 and 27 were rejected under 35 U.S.C. §103(a) as allegedly

unpatentable over Genser in view of Escher and Kokkonen and in further view of U.S.

Publication No. 2004/0148281 to Bates et al. (hereinafter, merely "Bates").

III.   RESPONSE TO REJECTIONS

Applicants submit that Escher is not prior art.

Applicants submit that the provisional application from which Escher claims

priority, U.S. Serial No. 60/338,645, has a U.S. filing date of December 11, 2001.

However, upon review of the Escher provisional application, Applicants

respectfully submit that the provisional application fails to provide the disclosure relied upon by

the Examiner in the present office action. Therefore, the provisional application is insufficient to

entitle U.S. Publication No. 2003/0110124 to Escher the benefit of a filing date of December 11,

2001.

Thus, Applicants submit that the earliest date U.S. Publication No. 2003/0110124

to Escher is entitled to is December 11, 2002.

The present application, on the other hand is entitled to the benefit, under 35

U.S.C. §119, of European Patent Application No. 02019777.8 filed on September 4, 2002 filed

in the EPO. An acknowledgement of such claim of priority and receipt of the priority document

is provided on the summary sheet of the first Office Action, which was dated April 10, 2006.

Thus, the present application has prior U.S. filing date. Accordingly, Applicants

submit that Escher is not qualified as prior art in a rejection under 35 U.S.C. §103(a), and thus all

of the outstanding rejections based upon Escher in the outstanding Office Action are overcome.

Furthermore, claim 1 recites, *inter alia*:

"...**wherein said means for relaxing the search constraints of a
database query select the search criteria to be suppressed
according to user profiles, and/or according to context
information,**

**wherein each time a new search criterion is provided, a
determination is made whether said new search criterion refers
to an attribute that has already been specified by an earlier
search criterion stored in said contribution stack,**

**wherein when said new search criterion refers to an attribute
that has already been specified by an earlier search criterion in
said contribution stack, said earlier search criterion is erased
from said contribution stack, and said new search criterion is
pushed onto said contribution stack,**

**wherein, if an intermediate entry has been added to the
contribution stack between said new search criterion and said
earlier search criterion, the intermediate entry is maintained
within the set of search criteria...**" (emphasis added)

The Office Action (see page 4) concedes that Genser fails to disclose the above-

identified features of claim 1.

First, the Office Action (see page 4) relies on paragraph [0056] of Escher to reject

wherein said means for relaxing the search constraints of a database query select the search

criteria to be suppressed according to user profiles, and/or according to context information, as

recited in claim 1 (emphasis added). The cited portion of Escher discloses that "segmentation

engine uses client profiles database and data fusion algorithms to dynamically identify additional

relevant supporting financial events or eliminate irrelevant financial events or otherwise modify

the results of the query." Applicants submit that Escher clearly <u>identify, eliminate, or modify the</u>

<u>results of a query</u> in direct contrast with Applicants' claimed <u>select the search criteria to be</u>

<u>suppressed according to user profiles, and/or according to context information</u>. Applicants

respectfully submit that Escher fails to teach or suggest the above-identified features of claim 1.

Second, the Office Action (see page 4) relies on column 7, lines 5-24 of

Kokkonen to reject "<u>wherein each time a new search criterion is provided, a determination is</u>

<u>made whether said new search criterion refers to an attribute that has already been specified by</u>

<u>an earlier search criterion stored in said contribution stack</u>" and "<u>wherein when said new search</u>

<u>criterion refers to an attribute that has already been specified by an earlier search criterion in said</u>

<u>contribution stack, said earlier search criterion is erased from said contribution stack, and said</u>

<u>new search criterion is pushed onto said contribution stack</u>", as recited in claim 1 (emphasis

added). The cited portion of Kokkonen discloses that "each web service maintains a search log

…and either periodically or at the request of the server 24 sends the search log or a list of search

queries extracted from the search log to the server 24. The server 24…distills the search log or

list received from each web service into a frequency list. The search list…may be taken into

account in the distillation process, for instance by removing from the search list duplicate

searches received from the same requester." Applicants submit that the search log and the

distillation process of Kokkonen occur <u>periodically or under the request of the server 24</u> in direct

contrast with Applicants' claimed <u>each time a new search criterion is provided.</u> Applicants

further submit that the distillation process of Kokkonen <u>removes duplicate searches irrespective</u>

<u>to the order of occurrence</u> in direct contrast with Applicants' claimed <u>said earlier search criterion</u>

<u>is erased from said contribution stack, and said new search criterion is pushed onto said</u>

contribution stack. Applicants respectfully submit that Kokkonen fails to teach or suggest the above-identified features of claim 1.

Applicants respectfully submit that Genser, Echer, Kokkonen, Mairs, and Bates, taken either alone or in combination, fail to teach or suggest the above-identified features of claim 1. Therefore, Applicants submits that independent claim 1 is patentable.

Claim 1 recites, *inter alia*:

"...wherein, if an intermediate entry has been added to the contribution stack between said new search criterion and said erased earlier search criterion, the intermediate entry is maintained within the set of search criteria..." (emphasis added)

The Office Action (see page 3) relies on paragraph [0058] and paragraph [0059] of Genser to reject the above identified features of claim 1. The Office Action states that "since Genser maintains a queue of search terms, there is one entry between two search criteria". The cited portion of Genser discloses maintaining a stack of search criteria when no criterion is erased in direct contrast with Applicants' claimed maintaining an intermediate criterion when an earlier criterion is erased.

Applicants respectfully submit that Genser, Echer, Kokkonen, Mairs, and Bates, taken either alone or in combination, fail to teach or suggest wherein, if an intermediate entry has been added to the contribution stack between said new search criterion and said erased earlier search criterion, the intermediate entry is maintained within the set of search criteria, as recited in claim 1. Therefore, Applicants submits that independent claim 1 is patentable.

Independent claims 15, 30 and 31 recite similar, or somewhat similar features, and are patentable for similar reasons.

IV.   DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.
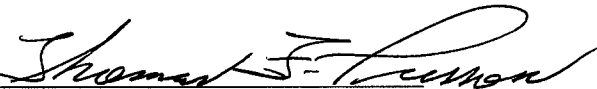
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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